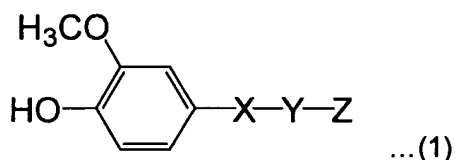


ELECTION/RESPONSE**Provisional Election of Claims Pursuant to 37 CFR §1.142**

Applicants elect the following single disclosed species, as required by the Examiner:

A composition comprising:

a 2-methoxyphenol derivative having formula (1) below:



where X is selected from the group consisting of an unsubstituted C₁-C₃₀ alkylene group, an unsubstituted C₂-C₃₀ alkenylene group, and an unsubstituted C₇-C₃₀ arylalkylene group;

Y is selected from the group consisting of -O-, -NR-, -S-, and -P-, where R is a hydrogen atom or a C₁-C₅ alkyl group; and

Z is selected from the group consisting of a group having the formula of -(CH₂CH₂O)_a(CH₂CH(CH₃)O)_b-(CH₂CH₂O)_c-H where a, b, and c are less than 10;

an aqueous medium that is water or water diluted by an organic solvent; and

a colorant that is a dye or a pigment.

The terminology "an unsubstituted C₁-C₃₀ alkylene group" refers to a straight or branched bivalent aliphatic hydrocarbon group having from 1 to 30 carbon atoms, and all combinations and subcombinations of ranges therein. The alkylene group may be straight, branched or cyclic. Exemplary alkylene groups include, but are not limited to, for example, methylene (-CH₂-), ethylene (-CH₂CH₂-) and propylene (-CH₂)₃-).

Claim 2 has been amended to recite the above elected species. Claims 5 and 6 have been amended to update dependency. Claims 4, 22, 23, 26, and 28-34 have been cancelled without prejudice or disclaimer. Claims 3, 5, 6-13, 14-19, 21, 24, 25, and 27 read on the species of amended claim 2. Claims 1 and 20 are withdrawn.

It is respectfully submitted that a single species is now disclosed in accordance with the Examiner's instructions. It should be noted that the specific color of the dye/pigment (due to the selection of a particular disperse dye/pigment) is not a patentable feature (see Cohn, 80 F.2d at 66, 27 USPQ at 412. The prior art was a design for a shoe strap consisting of "a strap with

black marginal stripes and an intervening light stripe." Id., 27 USPQ at 413. The court determined that "[a]lternating stripes of color, arranged as they are [in the claimed design], are sufficiently shown by the references." Id. The court stated that "[t]he fact that the design here presented shows a transparent portion rather than a stripe of different color . . . creates no patentable novelty in the design."). Hence, it is respectfully submitted that identification of the colorant as a disperse dye/pigment provides a specific colorant, and any further specification of the colorant would not relate to patentability of the claim(s).

In addition, the selection of an aqueous medium that is water or water diluted by an organic solvent is respectfully submitted to provide a specific aqueous medium.

Applicants reserve the right to further prosecute without prejudice the non-elected Species, and the claims readable thereon.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

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